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10/627,682	07/28/2003	Patrick J. Donoghue	12210/21	4564

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EXAMINER

AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/627,682

Applicant(s)

DONOGHUE ET AL.

Examiner

Nicholas Augustine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application-by-application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

### ***Claim Objections***

1. Claims 7 and 26 are objected to because of the following informalities: "the item selected from the second list of items" in last line of claims should be "the item selected from the first list of items". If this is not the case as the claim stands renders it indefinite for reason that of it is impossible to have the item selected from the second list displayed between itself and the item from the third list. Appropriate correction is required.

1. (A) The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP §608.1(o). Correction of the following is required:

Claims 52-54 and 74 are objected to because the terminology "machine-readable medium" was not disclosed.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-74 are rejected under 35 U.S.C. 102(e) as being anticipated by Lahdesmaki, Petri (US 2004/0233238 A1).

As for independent and dependent claims 1, 20, 40-46, 56, 65 and 74, Lahdesmaki teaches a method for displaying images with a graphical user interface and corresponding device and system, comprising: a screen for displaying the GUI (fig.3; wherein it is appreciated that 304 is a display screen showing the GUI 318); means for allowing a user to make selections on the GUI (314); image generation means (320) for displaying a first list of items horizontally on a display (202); upon selection by a user of one of the items in the first list (202a), horizontally displaying a second list of items (210), the second list of items being associated with the selected item from the first list

of items (Fig.2A); and vertically displaying an indication of the selected item from the first list of items in a separate area from the second list of items (fig.2A), By use of vertical and horizontal menu options compacted into multiple sets of menus or folders, in a broad sense, it is appreciated that this will convey to the user more screen real-estate (note par.52, last line).

As for dependent claims 2 and 21, 58, 67 Lahdesmaki teaches the method of claim 1 and corresponding device of claim 20, wherein the indication of the selected item from the first list of items is displayed substantially perpendicular to items in the second list of items (pg.8, col.2, par.11, second line).

As for dependent claims 3 and 22, 57, 61, 66, 70, Lahdesmaki teaches the method of claim 1 and corresponding device of claim 20, wherein the second list of items is horizontally displayed in place of the first list of items (fig.2A, wherein the second list is displayed, upon the selection of an item and displaying the items corresponding menu items are being that of horizontally displayed in place of the first list of items, focus of control is now on the second list of items.

As for dependent claims 4 and 23, Lahdesmaki teaches the method of claim 1 and corresponding device of claim 20, further comprising, upon selection by the user of one of the items in the second list, displaying a third list of items in place of the second list of items, the third list of items corresponding to the selected item from the second list of

items (fig.5B, par.47, line 13).

As for dependent claims 5 and 24, 62 Lahdesmaki teaches the method of claim 4 and corresponding device of claim 23, further comprising, vertically displaying the selected item from the second list of items adjacent the third list of items (fig. 5B, par.47, line 11).

As for dependent claims 6 and 25, Lahdesmaki teaches the method of claim 5 and corresponding device of claim 24, further comprising, vertically displaying the indication of the selected item from the first list of items adjacent the selected item from the second list of items (fig.5B, par.47 and par.48, line 2).

As for dependent claims 7 and 26, Lahdesmaki teaches the method of claim 6 and corresponding device of claim 25, wherein the selected item from the second list of items is displayed between the third list of items and the item selected from the second list of items (fig.5B, fig.2A and par.47, line 3).

As for dependent claims 8 and 27, 60, 69 Lahdesmaki teaches the method of claim 4 and corresponding device of claim 23, further comprising, upon selection of an item from the third list of items, displaying a fourth list of items in place of the third list of items, the fourth list of items corresponding to the item selected from third list of items (fig.5B and 6B; wherein it is appreciated that the user can select multiple times to show multiple menu sets from sets of menus as depicted in the above mentioned figures).

As for dependent claims 9 and 28, Lahdesmaki teaches the method of claim 8 and corresponding device of claim 27, further comprising vertically displaying the selected item from the third list of items adjacent the fourth list of items (fig.8; wherein the user can display multiple sets of menus from selection of menus and displaying each menu with in adjacency on one another as well as being perpendicular at the time of display to the user).

As for dependent claims 10 and 29, Lahdesmaki teaches the method of claim 9 and corresponding device of claim 28, further comprising vertically displaying the selected item from the second list of items adjacent the selected item from the third list of items (fig.2A, 5B; wherein it is appreciated that the user can select a menu from a set of menu options and be displayed another set of menu options which is then perpendicular and as well as between other choices from the user as being depicted in the above figures, note the remaining other figures incorporated by reference).

As for dependent claims 11 and 30, Lahdesmaki, the method of claim 10 and corresponding device of claim 29, wherein the selected item from the third list of items is displayed between the fourth list of items and the selected item from the second list of items (fig.6B; wherein it is appreciated that the user can select a menu from a set of menu options and be displayed another set of menu options which is then perpendicular and as well as between other choices from the user as being depicted in the above

figures, note the remaining other figures incorporated by reference).

As for dependent claims 12 and 31, Lahdesmaki teaches the method of claim 10 and corresponding device of claim 29, further comprising vertically displaying the indication of the selected item from the first list of items adjacent the selected item from the second list of items (fig. 7; wherein the user can display multiple sets of menus from selection of menus and displaying each menu with in adjacency on one another as well as being perpendicular at the time of display to the user).

As for dependent claims 13 and 32, Lahdesmaki teaches the method of claim 12 and corresponding device of claim 31, wherein the indication of the selected item from the second list of items is displayed between the selected item from the third list of items and the selected item from the first list of items. (Fig.6B; wherein it is appreciated that the user can select a menu from a set of menu options and be displayed another set of menu options which is then perpendicular and as well as between other choices from the user as being depicted in the above figures, note the remaining other figures incorporated by reference).

As for dependent claims 14, 33 and 48, Lahdesmaki teaches the method of claim 13 and corresponding device of claim 32 and system of 46, further comprising, upon user selection of one of the vertically displayed, selected items from the first list or the second list, redisplaying a corresponding one of the first list or the second list (fig. 8;



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wherein the user can display multiple sets of menus from selection of menus and displaying each menu with in adjacency on one another as well as being perpendicular at the time of display to the user).

As for dependent claims 15 and 34, Lahdesmaki teaches the method of claim 8 and corresponding device of claim 27, further comprising, upon selection of an item from the fourth list of items, displaying a fifth list of items in place of the fourth list of items, the fifth list of items corresponding to the item selected from the fourth list of items (fig. 8; wherein the user can display multiple sets of menus from selection of menus and displaying each menu with in adjacency on one another as well as being perpendicular at the time of display to the user, wherein this case the user is on the fifth iteration of choosing an element. It is appreciated that in figure 8, the user in on the 6<sup>th</sup> menu set).

As for dependent claims 16 and 35, 63-64, 71-73, Lahdesmaki teaches the method of claim 15 and corresponding device of claim 34, further comprising allowing the user to select any of the indication of selected items from the first list of items, the selected item from the second list of items, the selected item from the third list of items, or the selected item from the fourth list of items (fig. 8; wherein the user can display multiple sets of menus from selection of menus and displaying each menu with in adjacency on one another as well as being perpendicular at the time of display to the user, wherein this case the user is on the fifth iteration of choosing an element. It is appreciated that in figure 8, the user in on the 6<sup>th</sup> menu set, also well in where the user is presented with all

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of the options at once as depicted in the above mentioned figure), the image generation means (320) causes a corresponding one of the first list, the second list, the third list and the forth list to be redisplayed (fig.8; it is apparent and well appreciated in the art that a menu selection GUI image generation means would redisplay the information, in the art this is called updating or refreshing or redrawing, wherein the screen is updated n many times to provide a seamless transition of user movement on the screen.)

As for dependent claims 17 and 36, Lahdesmaki teaches the method of claim 15 and corresponding device of claim 34, further comprising: vertically displaying the selected item from the fourth list of items adjacent the fifth list of items and in place of the selected item from the third list of items; vertically displaying the selected item from the third list of items adjacent the selected item from the fourth list of items; vertically displaying the selected item from the second list of items adjacent the selected item from the third list of items; and placing the indication of the selected item from the first list of items in a non-visible portion adjacent the selected item from the second list of items (note the analysis of claims 8-16; wherein it is well appreciated that dependent claim 17 is repeating a broad representation of claims 8-16).

As for dependent claims 18 and 37, Lahdesmaki teaches the method of claim 17 and corresponding device of claim 36, wherein the user can traverse a screen indicator to any of the vertically displayed selected items from the second, third and fourth lists of items and the indication of the selected item from the first list of items (par.25, line 11).

As for dependent claims 19 and 38, Lahdesmaki teaches the method of claim 18 and corresponding device of claim 37, further comprising, upon user traversal of the screen indicator to the selected item from the first list of items, moving the indication of the selected item from the first list of items from the non-visible portion to be in place of the selected item from the second list of items, moving the selected item from the second list of items to be in place of the selected item from the third list of items, moving the selected item from the third list of items to be in place of the selected item from the fourth list of items, and moving the selected item from the fourth list of items to a further non-visible portion (par.25, line 11 and par.31, last line and par.32, line 5 and par.38, line 9).

As for dependent claim 39, Lahdesmaki teaches the electronic device of claim 20, wherein the electronic device is one of a personal data assistant, a watch, a computer, a television, a home security system, a direct broadcast television system, a personal video recorder, or a cable television system (par.43, line 3).

As for dependent claim 47, Lahdesmaki teaches the display system of claim 46, wherein, in response to selection by a user of an item from a plurality of the lists, the image generation device (302) causes vertical display of a corresponding plurality of the selected items (fig.8, par.31, last line and par.32, line 4 and par.39, line 6).

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As for independent claim 49, Lahdesmaki teaches a method of displaying images, comprising: horizontally displaying one of a series of lists in a first display area; and vertically displaying one or more items selected by a user from the lists, wherein selection of an item from one of the lists results in horizontal display of a subsequent one of the lists in the first display area, and results in vertical display of the selected item in the second display area (fig.2A; wherein it is appreciated that the user can select multiple menu sets from the set shown in figure 2A, wherein these menu sets can be customized into any arrangement with out leaving from the spirit scope of the reference (par.52, last line)).

As for dependent claim 50, Lahdesmaki teaches the method of claim 49, further comprising, in response to selection of an item from a plurality of the lists, vertically displaying a corresponding plurality of the selected items (par.36, line 4 and fig.8).

As for dependent claim 51, Lahdesmaki teaches the method of claim 50, further comprising vertically navigating to any of previously displayed lists by selecting a corresponding one of the selected items (fig.7-8 and par.32, last line).

As for independent claim 52, Lahdesmaki teaches a machine-readable medium having stored thereon a plurality of executable instructions (302, 306, par.77, line 5), the plurality of instructions comprising instructions to: display a first list of items horizontally on a display; upon selection by a user of one of the items in the first list, horizontally

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display a second list of items, the second list of items being associated with the selected item from the first list of items; and vertically display an indication of the selected item from the first list of items in a separate area from the second list of items (note the analysis of claim 1-6 above; pieces of the mention claims are mentioned throughout claim 52).

As for independent claim 53, Lahdesmaki teaches a machine-readable medium having stored thereon a plurality of executable instructions (302, 306, par.77, line 5), the plurality of instructions comprising instructions to: horizontally display a first at least one item on a display in a first display area; and vertically display, in a second image display area, an indication of at least one item selected by a user from the first image display area (note the analysis of 1-6 above; pieces of the mention claims are mentioned throughout claim 53) .

As for independent claim 54, Lahdesmaki teaches a machine-readable medium having stored thereon a plurality of executable instructions (302, 306, par.77, line 5), the plurality of instructions comprising instructions to: horizontally display one of a series of lists in a first display area; and vertically display one or more items selected by a user from the lists, wherein selection of an item from one of the lists results in horizontal display of a subsequent one of the lists in the first display area, and results in vertical display of the selected item in the second display area (note the analysis of 1-6 above; pieces of the mention claims are mentioned throughout claim 53).

As for independent claim 55, Lahdesmaki teaches a cable television system, comprising: an image generation device that generates images on a display (302, 306, par.77, line 5), the images on the display including a first image display area and a second image display area, the first image display area displaying a first at least one item horizontally on the display, and the second image display area vertically displaying an indication of at least one item selected by a user from the first image display area(note the analysis of 1-6 above; pieces of the mention claims are mentioned throughout claim 53).

As for dependent claim 59 and 68, Lahdesmaki The method of claim 56 and corresponding device of claim 65, wherein the vertically displayed list of items comprises text items, and the text items are vertically displayed in a direction from a bottom of the display to a top of the display (fig.14).

**Note:** *That the reference figures cited in this office action merely shows a point of interest that depict the claimed invention language word for word, it is assumed by the applicant to take the entire reference in as a whole and to read and understand the corresponding text related to the figures as cited in the above claims. All citations should be incorporated throughout the entire office action as well as the entire reference should be treated as a whole into the office action.*

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

+ Castronova, Michael J. – (US 2004/0153446 A1) Displaying menu options wherein the user selects an option and its history is displayed in another display region and then allowing the user to select an object in the history display region to display the original menu set.

### Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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11.29.2006

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